

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 29352 Permit 20506 License                     

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE**

**WHEREAS:**

1. Permit 20506 was issued to Gary Rogers and Kathleen Rogers on February 25, 1991 pursuant to Application 29352.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 5 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 1999

(0000008)

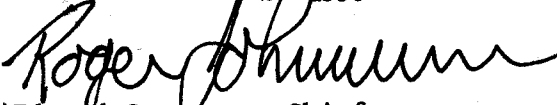
2. Condition 6 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 2005

(0000009)

Dated: AUGUST 23 1995



161 Edward C. Anton, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20506

Application 29352 of Gary Rogers and Kathleen Rogers

7171 Norfolk Road, Berkely, CA 94705

filed on October 11, 1988, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

<u>Unnamed Stream</u>	<u>Conn Creek thence</u>
<u></u>	<u>Napa River thence</u>
<u></u>	<u>San Pablo Bay</u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
RESERVOIR #1 NORTH 300 FEET AND EAST 2,300 FEET FROM SW CORNER OF SECTION 22	SE¼ OF SW¼	22	8N	5W	MD
RESERVOIR #2 NORTH 500 FEET AND WEST 2,450 FEET FROM SE CORNER OF SECTION 22	SW¼ OF SE¼	22	8N	5W	MD

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acre
(SEE ADDENDUM)						

The place of use is shown on map on file with the State Water Resources Control Board.

10. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

11. The State Water Resources Control Board reserves jurisdiction to impose conditions to conform this permit to Board policy on use of water for frost protection. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (0000020)

12. Permittee shall install and maintain an outlet pipe of adequate capacity in each dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoirs which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipes to the Chief of the Division of Water Rights for approval. Before storing water in the reservoirs, permittee shall furnish evidence which substantiates that the outlet pipes have been installed in each dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

13. Permittee shall install and properly maintain in each reservoir a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoirs.

Permittee shall record the staff gage readings on or about October 1 of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

The State Water Resources Control Board may require the release of water which cannot be verified as having been collected to storage prior to October 1 of each year.

Permittee shall allow a designated representative of the City of Napa and a designated representative of Domaine Mumm, and all successors in interest, reasonable access to the reservoirs for the purpose of verifying staff gage readings and determining water levels in the reservoirs. (0100047)

14. During years in which Lake Hennessey does not collect the full allotment of water pursuant to permitted Application 10990 by May 1, upon request from the City of Napa, permittee shall immediately release water from the reservoirs at the maximum practicable rate, up to the total quantity impounded that diversion season, to flow into Lake Hennessey.

Permittee shall not be obligated to release water in the reservoirs below the previous October 1 staff gage reading, unless permittee has withdrawn water from the reservoirs for consumptive purposes since October 1, nor shall permittee be obligated to release water in the reservoirs that is pumped from ground water sources. (0000051)

15. For the protection of fish and wildlife, permittee shall at all times bypass a minimum of 0.5 cubic foot per second, or the natural streamflow, whichever is less. (0140060)

16. No water shall be diverted under this permit until permittee has installed a device located within 50 feet downstream of the outlet pipe for Reservoir No. 1, satisfactory to the State Water Resources Control Board, which is capable of measuring the bypass flows required by this permit. Said measuring device shall be properly maintained by permittee. (0060062)

17. All trees with a base trunk diameter greater than three inches that are removed for the construction of the reservoir shall be replaced by permittee within one year of completion of reservoir construction. The replacement rate shall be one tree for each tree removed. All replacement trees shall be rooted and of at least one gallon container size. The replacement species shall be consistent with the species removed, including willows, alders, California laurel, buckeye and coast live oak. All trees shall be planted within 50 yards of the reservoir shoreline suitably placed to ensure optimal growth. Maintenance of the planted trees shall be limited to irrigation. Permittee shall immediately replace any tree planted by permittee that dies with live trees of five gallon container size native to the drainage. Permittee shall provide for replacement on a one to one basis for a period of three years following issuance of this permit. (0140060)
18. This permit is specifically subject to the prior rights of Domaine Mumm under any permits issued pursuant to Applications 29037 and 29038. (0160800)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

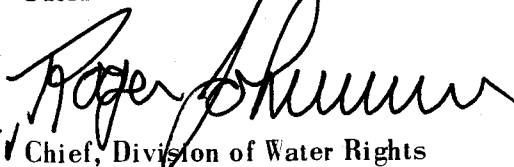
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: FEBRUARY 25 1991

STATE WATER RESOURCES CONTROL BOARD

  
61 Chief, Division of Water Rights